

XM Radio represents a premium service, much like that of HBO or Cinemax on Satellite Television. Broadcasts on satellite do not have the strict restrictions that broadcast Television and Radio have and are not accessible to everybody. Because of the cost involved as well as the nature of the broadcast being orbit-based, the FCC should not impose the same restrictions on it as would be placed on broadcast. Further, the issue of local weather and traffic reports is that it is part of the premium that XM subscribers pay for and should not be limited. The traffic and weather reports do not compete with any other service, rather they contribute to tangible information that is provided to those who pay for it. The local news stations and radio stations are not the least affected by the XM transmissions because the XM subscribers already are paying for Satellite Radio and enjoy the added features that come along with it, being local weather and traffic information. Once limits are placed on Satellite, further restrictions are bound to follow on Satellite television and radio and the censorship of this form of communication would be a detriment to free speech, Satellite Radio's members, and the quality of programming offered under the premium XM Satellite offering.